

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

WEST COVINA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014050145

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On June 12, 2014, the parties filed an initial joint request to continue the dates in this matter.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. This matter will be set as follows:

Mediation:

Not requested. (The parties may request mediation, but are advised to provide OAH about 10 days notice to ensure that a mediator can be made available.)

Prehearing Conference: August 5, 2014, 10 a.m. (The parties requested Monday, August 8, 2014, however, OAH is no longer scheduling prehearing conferences the first Monday and business day of the month.)

Due Process Hearing: September 17, 2014, 9:30 a.m., September 18, 2014, 9 a.m., September 22, 2014, 1:30 p.m., and September 23, 2014, 9 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. (The parties requested that the matter proceed on September 22 and 23, and continue to September 29, and 30. Due process hearings proceed day-to-day and the parties' proposed ten day break in proceedings was not supported by good cause. The parties shall finalize the hearing schedule with the ALJ at the prehearing conference.)

IT IS SO ORDERED.

DATE: June 12, 2014

/s/

EILEEN COHN
Administrative Law Judge
Office of Administrative Hearings